

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

ALICIA LORENZ, *et al.*,
Plaintiffs,
v.
M. SHEPARD, *et al.*,
Defendants.

Case No. 1:23-cv-00604 JLT EPG

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING THE
ACTION WITH PREJUDICE, AND
DIRECTING THE CLERK OF COURT TO
CLOSE THIS CASE**

(Docs. 8, 9.)

Alicia Lorenz and Patrick Lorenz, Sr. seek to hold M. Shepard, a correctional officer, liable for violations of their civil rights pursuant to 42 U.S.C. § 1983. (Docs. 9, 10.) Plaintiffs assert Shepard unlawfully telephoned Plaintiffs regarding an incident at Corcoran State Prison in which their son was hurt and “would not give any details.” (Doc. 9 at 5; *see also* Doc. 10 at 5; Doc. 1 at 3.) The magistrate judge reviewed the separate pleadings filed by Plaintiffs and considered the documents together as consolidated amended complaint. (Doc. 11.) The magistrate judge found Plaintiffs failed to state a cognizable claim for a violation of their constitutional rights, and recommended the action be dismissed with prejudice. (*Id.* at 3-6.)

The Court served the Findings and Recommendations on Plaintiffs and notified them that any objections were due within 30 days. (Doc. 11 at 7.) The Court advised Plaintiffs that the “failure to file objections within the specified time may result in the waiver of rights on appeal.”

(*Id.* at 6-7, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiffs did not file objections, and the time to do so has passed.

According to 28 U.S.C. § 636(b)(1)(C), this Court performed a *de novo* review of this case. Having carefully reviewed the matter, the Court concludes the Findings and Recommendations are supported by the record and proper analysis. Though the Court appreciates how distressing it was to the plaintiffs to receive the phone call at issue, that conduct does not violate the Constitution. Thus, the Court **ORDERS**:

1. The Findings and Recommendations issued March 4, 2024 (Doc. 11) are **ADOPTED** in full.
2. This case is **DISMISSED** with prejudice.
3. The Clerk of Court is directed to close this case.

IT IS SO ORDERED.

Dated: **May 8, 2024**


UNITED STATES DISTRICT JUDGE